

REMARKS

In the present application, Claims 44 through 123 are pending. In the December 11, 2007 Office Action, the Office restricts claims 44-51, 56-57, 59-64, 66-76, 80-82, 84-89, 91-104, 109-110, 112-117 and 119-123 as being drawn to a vehicle drive-through system (Group I); claims 53, 78 and 106 as being drawn to a rewards subsystem (Group II); claims 52, 54, 55, 58, 77, 79, 83, 105, 107, 108 and 111 as being drawn towards a remote ordering e-commerce subsystem (Group III); and claims 65, 90 and 118 as being drawn to a vehicle emission subsystem (Group IV).

Pursuant to 37 C.F.R. § 1.143, the Applicant provisionally elects Group I with traverse. However, the restriction requirement is submitted as being improper because the inventions claimed in Groups II – IV are not “independent and distinct” from the invention claimed in Group I.

In particular, independent Claim 44 is drawn to a process for controlling a facility having a structural facility adapted to receive, store and deliver goods and services, and further having at least one core computing system adapted generally to control the receipt, storage and delivery of the goods and services. Claims 45 - 98 all depend upon independent Claim 44, are all species of Claim 44, and include all of the limitations set forth in independent Claim 44 in accordance with 37 C.F.R. § 1.141(a). This is true whether certain features are claimed as dependent claims (such as a reward system used in connection with the process for controlling a facility through a core computing system) or not. Thus, a search for one species under the independent Claim 44 will suffice for the other species claimed.

Moreover, independent Claim 99 is drawn to a method for managing a facility (which offers goods and services) through a core computer, the core computer having various claimed method steps to manage the facility. Dependent Claims 100 - 123 all depend upon independent Claim 99, are all species of Claim 99, and include all of the limitations set forth in independent Claim 99 in accordance with 37 C.F.R. § 1.141(a). Thus, a search for one species under the independent Claim 99 will suffice for the other species claimed.

Finally, the Office groups Claims 53, 78 and 106 as drawn to a rewards subsystem. However, this is impermissible, because the segregation of these claims apart from the claims upon which they depend would result in a meaningless claim. For example, independent Claim 44 is drawn to a process for controlling a facility having a structural facility adapted to receive, store and deliver goods and services, and further having at least one core computing system adapted generally to control the receipt, storage and delivery of the goods and services. Dependent Claim 53 is drawn towards a pre-ordering

communication means adapted to facilitate communications between a customer a tenant of the facility, and the core computer system (*see e.g.*, dependent Claim 7). Dependant claim 53 has the further limitation that the pre-ordering communications means is drawn towards proving order communications to a remotely located customer. To separate dependant Claim 53 from its predecessor claims (e.g., Claims 54, 51, 59, 49, 48, 46, 45 and 44) would not result in a separate and distinct invention, as Claim 53 necessarily depends upon the elements found in independent Claim 44. The same analysis applies to all other claims in Group II, and applies to all of the other groupings identified by the Office (*i.e.*, Group III and IV). Thus, a search for one species under either independent Claim 44 or independent Claim 99 will suffice for all other species claimed thereunder.

In light of the foregoing, the Applicant respectfully requests that the 12/11/07 restriction requirement be withdrawn. The undersigned would welcome a phone call from the Office to expedite the resolution of this application.

Respectfully submitted,

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